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Document Electronically Filed

May 28, 2015

Honorable William H. Walls
United States District Court Judge
M.L King Jr. Federal Bldg. & Courthouse.
50 Walnut Street
Newark, New Jersey 07101-999

Re: United States v. Hassan Scott
Docket Number 12-cv-4167 (28 USC Section 2255 application)
Original Criminal Docket Number 08-789-136(WWW)

Dear Judge Walls:

Please accept this letter on behalf of Hassan Scott in support of his application to the Court for the issuance of a Certificate of Appealability from the Court authorizing Hassan Scott to file an appeal of his unsuccessful Section 2255 motion.

Hassan Scott originally filed his Section 2255 motion pro se. On May 14, 2015, I was appointed pursuant to the Criminal Justice Act to represent Hassan Scott in the District Court on his Section 2255 motion. Hassan Scott stated to me in Court on May 22, 2015 when the Court conducted the evidentiary hearing on the Section 2255 motion that he wanted to file an appeal of his unsuccessful Section 2255 motion.

As the Court is aware, there is no automatic right to appeal a Section 2255 motion. Two requirements must be met before an appeal may be heard by an appellate

court. Number 1, the Court must enter a final order that denies the Section 2255 motion.

On May 22, 2015, the Court conducted the evidentiary hearing on the Section 2255 motion and orally denied the Section 2255 application for the reasons stated on the record. The Court advised the Assistant United States Attorney to submit an order. On May 26, 2015, the Order denying Hassan Scotts Section 2255 application was signed by the Court. On May 27, 2015, said Order was entered and filed with the Clerk of the Court. Therefore, requirement Number 1 is fulfilled.

Requirement Number 2 that must be met before an appeal may be heard by an appellate court is that the district court must issue or deny a Certificate of Appealability (Rule 22(b) of the Federal Rules of Appellate Procedure). Please advise as soon as possible whether the Court will issue or deny a Certificate of Appealability. I attach a proposed order concerning the denial or issuance of a Certificate of Appealability.

Furthermore, there is no statutory or constitutional right to counsel on an appeal of a Section 2255 denial. Please advise whether I will be appointed pursuant to the Criminal Justice Act to represent Hassan Scott on any grant or denial of his Section 2255 motion to the Third Circuit Court of Appeals. I will notify Hassan Scott of your decision.

If you have any questions regarding this, do not hesitate to contact me.

Thank you for your consideration in this matter.

Respectfully,
/s/Richard J. Verde
Richard J. Verde

Cc: AUSA Ronnell Wilson

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

HASSAN SCOTT, : CIV. NO. 12-4167(WHW)
Petitioner/Defendant :
 : (CRIM. NO. 08-789(WHW))
v. :
UNITED STATES OF AMERICA, :
Respondent/Government : ORDER CONCERNING CERTIFICATE
 : OF APPEALABILITY

This matter being opened to the Court upon application of Richard J. Verde, attorney for Petitioner/Defendant, Hassan Scott, and Ronnell L. Wilson, Assistant United States Attorney representing Respondent/Government, for an Order for a Certificate of Appealability from the Court authorizing Hassan Scott to file an appeal of his unsuccessful Section 2255 motion and the Court having reviewed documents submitted by Counsel concerning this application and for good cause shown,

It is on this day of , 2015

ORDERED that a Certificate of Appealability from the Court authorizing Hassan Scott to file an appeal of his unsuccessful Section 2255 motion is GRANTED/
DENIED

HONORABLE WILLIAM H. WALLS
UNITED STATES DISTRICT JUDGE